

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, MISSOURI

THE RECEIPT		7
Judge or Division:	Case Number: 14AB-CC00015	
Case Name: JACKIE NICHOLAS V AMER	RICAN MODERN SELECT INS CO	

Certificate of Clerk

I, BILL D.MILLER, Clerk of the CIRCUIT Court, of FRANKLIN County, which said court is a court of record, having a clerk and seal, certify that the attached is a true, accurate and complete copy of CONTENTS OF FILE 14AB-CC00015 in the above entitled case, as the same appears of record and on file in this office.

(Seal of the Court)

EXHIBIT

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 2 of 31 PageID #: 5

State of Missouri

Department of Insurance, Financial Institutions and Professional Registration



TO: Corporate Secretary (or United States Manager or Last Appointed General Agent) of AMERICAN MODERN SELECT INSURANCE COMPANY 7000 MIDLAND BLVD AMEILA, OH 45102-2607

FILED NOV 2 1 2014

BILL D. MILLER, Circuit Clerk FRANKLIN COUNTY MISSOURI By ______ D.C.

RE: Court: Franklin Co. Circuit Court, Case Number: 14AB-CC00015 ,

You will take notice that original process in the suit against you, a copy of which is attached hereto and sent to you by certified mail, was duly served upon you at Jefferson City, Missouri, by serving the same on the Director of the Department of Insurance, Financial Institutions and Professional Registration of the state of Missouri, Dated at Jefferson City, Missouri this 7th day of November, 2014.

Director of Insurance, Financial Institutions and Professional Registration

AFFIDAVIT

State of Missouri,

SS.

County of Cole,

The undersigned Director of the Department of Insurance, Financial Institutions and Professional Registration or the Director's designated agent, hereby makes oath and certifies the original of the above notice to the above addressee was mailed at the United States Post Office in Jefferson City, Missouri on

by first class certified mail prepaid as provided by section 375.906.5, RSMo. and Supreme Court Rule 54.15

Director, Department of Insurance, Financial Institutions and Professional Registration

Bv:

Subscribed and sworn to before me this

day of Journiber

My commision expires:

KATHRYN LATIMER
My Commission Expires

March 4, 2016 Cole County Commission #12418395

United	STATES POSTAL SERVICE		First-Class Mail Postage & Fees Pale USPS Permit No. G-10
	• Sender: Please print your na	ame, address, and ZIP+	4° in this box•
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	* *	* % .	
	LEGAL SECTION MO. DEPARTMENT OF INSTITUTIONS & PROF PO BOX 690 JEFFERSON CITY, MO	FREIONAL REGISTRALI	ON
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PS Form 3811, July 2013
Anicia Number Anicia Mumber (Timpsfer from service Inbel)
VMEITO OH 12105-3001 1020BANCE COMPANY AMERICAN MODERN SELECT
■ Complete items 1, 2, and 3, Also complete item 4 if Restricted Delivery' is destred. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailplece, or on the front if space pennils. 7. Aniele Addressed to:
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IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOUR

- Vocaber		
Judge or Division: GAEL D. WOOD	Case Number: 14AB-CC00015	NOV 1 4 2014
Plaintiff/Petitioner: JACKIE NICHOLAS vs.	Plaintiff's/Petitioner's Attorney/Address BRADLEY S. DEDE 222 S MERAMEC SUITE 205 CLAYTON, MO 63105	FRINKLIN COUNTY MISSOURIED
	Court Address:	NOV 06 2014
Defendant/Respondent: AMERICAN MODERN SELECT INSURANCE	401 EAST MAIN ST, RM 100A	No. o
CO	UNION, MO 63084	COLE COUNTY SHERIFF'S OFFIC
	CN1011, MO 03004	- COLLEGE OFFIC
Nature of Suit:		SHERIFI
CC Chpter 536 State Agey Rvw	2 200	(Date File Stamp)
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The State of Missouri to: AMERICAN MODER	N SELECT INSURANCE COMPANY	
Alias:	*	347
DIRECTOR OF INSURANCE MISSOURI DEPARTMENT INSURANCE		a (2)
301 W HIGH STREET, RM 530	E 2 2 2	, x 4
JEFFERSON CITY, MO 65101	W 2 38C	· ·
which is attached, and	d to appear before this court and to file your pleading to serve a copy of your pleading upon the attorney for	Plaintiff/Petitioner at the
above address all withi	n 30 days after receiving this summons, exclusive of the	e day of service. If you fail to
	ment by default may be taken against you for the reli	er demanded in the petition.
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Date	© Clerk	
FRANKLIN COUNTY Further Information:		g ≈
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	Sheriff's or Server's Return	
Note to serving officer: Summons should be returned to	The second secon	
I certify that I have served the above summons by: (che		
delivering a copy of the summons and a copy of the	petition to the Defendant/Respondent.	
leaving a copy of the summons and a copy of the pe	tition at the dwelling place or usual abode of the Defenda	nt/Respondent with
	a person of the Defendant's/Respondent's family ov	er the age of 15 years.
(for service on a corporation) delivering a copy of the	e summons and a copy of the petition to	
L. LAUDENS	(name)	MSS (title).
other		
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in(County/City o	1 St. Louis), Mo, on (date	
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(Seal)		,
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A copy of the summons and a copy of the petition must	st be served on each Defendant/Respondent. For metho	ds of service on all classes of
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suits, see Supreme Court Rule 54.

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 5 of 31 PageID #: 8



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

Judge or Division:	Case Number: 14AB-CC00015	
GAEL D. WOOD		
Plaintiff/Petitioner: JACKIE NICHOLAS	Plaintiff's/Petitioner's Attorney/Address BRADLEY S. DEDE 222 S MERAMEC SUITE 205	
vs.	CLAYTON, MO 63105	
Defendant/Respondent: AMERICAN MODERN SELECT INSURANCE CO	Court Address: 401 EAST MAIN ST, RM 100A UNION, MO 63084	
Nature of Suit:	2	(Date File Stamp)

	Summons in		
The State of Missouri to	: AMERICAN MODERN SELECT INSU	RANCE COMPANY	
DIRECTOR OF INSURANCE MISSOURI DEPARTMENT INS 301 W HIGH STREET, RM 530 JEFFERSON CITY, MO 65101			
COURT SEAL OF	which is attached, and to serve a copy of	re this court and to file your pleading to to five your pleading upon the attorney for Plai ecciving this summons, exclusive of the damay be taken against you for the relief de Elik D. Milli	intiff/Petitioner at the you fail to
FRANKLIN COUNTY	Further Information:		
	Sheriff's or Ser	ver's Return	
Note to serving officer: Su	mmons should be returned to the court withir		
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leaving a copy of the sur	mmons and a copy of the petition at the dwell	ing place or usual abode of the Defendant/R	espondent with
	a person of t	he Defendant's/Respondent's family over the	ne age of 15 years.
	ation) delivering a copy of the summons and a		
		(name)	(title).
	(County/City of St. Louis), MO,		
10	(County/City of St. 2020), 1127		
Printed Name	of Sheriff or Server	Signature of Sherif	f or Server
	Must be sworn before a notary public if n	ot served by an authorized officer:	
	Subscribed and sworn to before me on	(d	ate).
(Seal)	My commission expires:		
	Date	N	otary Public
Sheriff's Fees Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons an suits, see Supreme Court Re	\$		f service on all classes of

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 6 of 31 PageID #: 9

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Plaintiff,))	Case No.	14AB-CC00015
vs.)	Division No.	
AMERICAN MODERN SELECT	Ć		
INSURANCE CO)		
Defendant.)		

REQUEST FOR SUMMONS

Comes now Plaintiff, by and through his attorney, and hereby requests a Summons to issue on Plaintiff's First Amended Petition to be served upon the Director of Insurance at Missouri Department of Insurance, 301 West High Street, Room 530, Jefferson City, Missouri 65101.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

By: E/S Bradley S. Dede
Bradley S. Dede, #36103
Attorney for Petitioner
7710 Carondelet, Suite 105
Clayton, MO 63105
314-725-9700
314-725-5967 (fax)
bsdede@att.net

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Plaintiff,)	Case No.	14AB-CC00015
vs.)	Division No	•
AMERICAN MODERN SELECT)		
INSURANCE CO)		
SERVE:)		
Director of Insurance)		
Missouri Department of Insurance)		
301 West High Street, Room 530)		
Jefferson City, MO 65101)		
)		
Defendant.)		

PLAINTIFF'S FIRST AMENDED PETITION FOR DAMAGES

Comes now Plaintiff, Jackie Nicholas, by and through her attorney of record and for her cause of action against Defendant, states and alleges and otherwise avers as follows:

- 1. Plaintiff is a resident of Franklin County, State of Missouri.
- 2. Defendant, American Modern Select Insurance Company, is an insurance company doing business and is good standing in the State of Missouri which can be served with process as referenced above with the Missouri Department of Insurance.
- 3. Jurisdiction and venue are proper in this court in that the facts claimed herein and are the subject of this litigation occurred in Franklin County, State of Missouri and the amount in controversy exceeds Twenty Five Thousand Dollars (\$25,000.00).

COUNT I - BREACH OF CONTRACT

Comes now Plaintiff by and through her attorney of record and for Count I on her claim for breach of contract states as follows:

5. Plaintiff purchased a homeowner's insurance policy from Defendant insurance policy number 0047062965 for homeowner's coverage. That said policy was in effect from October 6, 2011 to October 6, 2012.

בופטוטוווטמווץ דוופט - דומוואווו בסטוווץ - שטווס וש, בסווד - ססיוס ועו

- 6. As such, the policy was in full force and effect on the date of the damages incurred by Plaintiff herein.
- 7. On Saturday, March 17, 2012, Plaintiff's property incurred severe hail storm damage to her vehicle and house.
- 8. That according to the terms of policy an adjuster would be dispatched by the insurance company to determine the nature and extent of the damages.
 - 9. That no adjuster was timely dispatched to Plaintiff's property.
 - 10. That several days lapsed until an adjuster and a roofer came to the property.
- 11. That the roofer as agent for the Defendant herein did not protect the roof and residence against further damage.
- 12. That weeks passed without proper attention by Defendant to the damages incurred by Plaintiff; the failure to fix the property damaged, resulting in further damage.
- 13. That during the time of the initial damage and the negligent and improper repair of the property, further storms occurred which was foreseeable and Plaintiff's property further sustained rain, wind, water, and storm damage which resulted in both damage to the interior and exterior including but not limited to floor, wall, ceiling, carpet, mold, odors, joists, studs, rafters, paint, sheet rock, items of furniture and other personal property.

- 14. That Plaintiff made numerous attempts to contact the insurance company and no response or repair was forthcoming.
- 15. All conditions precedent to the liability of Defendant under Plaintiff's policy had been met.
 - 16. Plaintiff is legally owed benefits under her policy for the damages.
- 17. Defendant insurance company has breached its contract with the Plaintiff and is legally liable for the damages in this lawsuit.
- 18. That Plaintiff has made numerous attempts to demand a settlement for her claim under the provisions of the policy and Defendant refuses to perform under the contract.
- 19. That as a direct and proximate result of that breach, Plaintiff has been damaged in excess of Two Hundred Thousand Dollars (\$200,000.00).

Wherefore, Plaintiff prays for judgment against the Defendant insurance company for all amounts owed to her under the contract for insurance between the parties, in an exact amount for all her damages from the failure and breach of the contract that remain uncompensated and for such other and further relief as the court deems just and proper under the circumstances.

COUNT II - VEXATIOUS REFUSAL TO PAY THE CLAIM

Comes now Plaintiff, by and through her attorney of record and for Count II of Plaintiff's Petition for Damages against Defendant insurance company hereby states, alleges and otherwise avers as follows:

- 20. Plaintiff incorporates by reference each and every previously plead paragraph as if plead herein.
- 21. That Plaintiff issued a formal demand under the policy for the damages herein previously referred.

- 22. That Defendant insurance company has failed to make payments under and in accordance with the terms of the contract by Plaintiff.
- 23. Defendant insurance company's refusal to pay the loss incurred is without reasonable cause or excuse.
- 24. That Defendant's refusal to adjust and restore the damages under the policy is without excuse.
- 25. That pursuant to RSMo. §357.420 Plaintiff is entitled to in addition to all damages associated with Count I, twenty percent (20%) of the first Fifteen Hundred Dollars (\$1,500.00) of loss and ten percent (10%) of all losses greater than Fifteen Hundred Dollars (\$1,500.00) as well as Plaintiff's attorney's fees.
- 26. As a direct and proximately result of Defendant insurance company's refusal, Plaintiff is entitled to the additional damages in the amount of One Hundred Thousand Dollars (\$100,000.00).

Wherefore, as a result of the above, Plaintiff prays for judgment against Defendant insurance company in the amount of One Hundred Thousand Dollars (\$100,000.00) pursuant to RSMo. §357.420 and for such other further relief that this Court deems just and proper in the premises.

DEMAND FOR JURY TRIAL

27. Plaintiff demands a jury trial on all Counts of her petition for damages.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

By:

Bradley S. Dede, #36103
Attorney for Petitioner
222 S. Meramec, Suite 205
Clayton, MO 63105
314-725-9700
314-725-5967 (fax)
bsdede@att.net

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 12 of 31 PageID #: 15

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Plaintiff,))	Case No.	14AB-CC00015
vs.	į į		
AMERICAN MODERN SELECT) L	Division No.	
INSURANCE CO	į		
Defendant.)		

NOTICE OF HEARING

You are hereby notified that Plaintiff will on the 28th day of October, 2014, take up for hearing Plaintiff's Motion for Leave to File First Amended Petition in Division No. 1 of the Circuit Court for Franklin County, Missouri, at 11:00 a.m. or as soon thereafter as counsel may be heard, and requests the Court to make final disposition of same.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

By:

Bradley S. Dede, #36103
Attorney for Petitioner
7777 Carondelet, Suite 105
Clayton, MO 63105
314-725-9700
314-725-5967 (fax)
bsdede@att.net

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 13 of 31 PageID #: 16

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)			
Plaintiff,)	Case No.	14AB-CC00015
vs.)	Division No.	
AMERICAN MODERN SELECT)	D17131011 140.	
INSURANCE CO)		
Defendant.)		

NOTICE OF HEARING

You are hereby notified that Petitioner will on the 23rd day of September, 2014, take up for hearing Plaintiff's Motion for Leave to File First Amended Petition in Division No. 1 of the Circuit Court for Franklin County, Missouri, at 10:30 a.m. or as soon thereafter as counsel may be heard, and requests the Court to make final disposition of same.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

By:

Bradley S. Dede Wy Ch Bradley S. Dedel #36103 Attorney for Petitioner 7777 Carondelet, Suite 105

Clayton, MO 63105

314-725-9700

314-725-5967 (fax)

bsdede@att.net

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 14 of 31 PageID #: 17



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

Judge or Division:		Case Number: 14AB-CC00015	
GAEL D. WOOD			
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address	
JACKIE NICHOLAS		BRADLEY S. DEDE	
JACINID I GOTTO DA IS		222 S MERAMEC	
		SUITE 205	
	vs.	CLAYTON, MO 63105	
Defendant/Respondent:		Court Address:	
AMERICAN MODERN INSURANCE CO		401 EAST MAIN ST, RM 100A	
		UNION, MO 63084	
Nature of Suit:			(Date File Stamp)
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Co cliptor 550 butto rigoy in		n Civil Case	
The State of Missouri t MISSOURI DEPARTMENT OF 301 WEST HIGH STREET, RO JEFFERSON CITY, MO 65101		E CO	
COURT SEAL OF	which is attached, and to serve a copy	fore this court and to file your pleading to of your pleading upon the attorney for F receiving this summons, exclusive of the lit may be taken against you for the relief	Plaintiff/Petitioner at the day of service. If you fail to
THE WARDEN COUNTY		erver's Return	
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in	(County/City of St. Louis), M	O, on (date) a	at(time).
Printed Nam	e of Sheriff or Server	Signature of She	eriff or Server
(Seal)	My commission expires:		(date). Notary Public
Sheriff's Fees Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge Mileage Total A copy of the summons a suits, see Supreme Court I	\$	-	s of service on all classes of

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Plaintiff,))	Case No.	14AB-CC00015
vs.)	Division No.	
AMERICAN MODERN SELECT	Ć		
INSURANCE CO)		
)		
Defendant.)		

MOTION FOR SUMMONS TO ISSUE ON PLAINTIFF'S FIRST PETITION FOR DAMAGES

Comes now Plaintiff, by and through her attorney of record and requests that this

Honorable Court issue its Summons for Plaintiff's First Amended Petition for Damages Directed
to American Modern Select Insurance Company and serve Director of Insurance, Missouri

Department of Insurance, 301 West High Street, Room 530, Jefferson City, Missouri 65101.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

Bv:

Bradley S. Dede, #36103 Attorney for Petitioner 7777 Carondelet, Suite 105 Clayton, MO 63105 314-725-9700 314-725-5967 (fax) bsdede@att.net

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Case: 4:14-cv-92011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 16 of 31 PageID #: 19



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

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adge or Division:	Case Number: 14AB-CC00015	1
AEL D. WOOD	11.11	
	Plaintiff's/Petitioner's Attorney/Address	RECEIVED
aintiff/Petitioner:	BRADLEY S. DEDE	
ACKIE NICHOLAS	222 S MERAMEC	1
	SUITE 205	APR 2 4 2014
	vs. CLAYTON, MO 63105	
	Court Address:	COLE COUNTY
efendant/Respondent:	401 FAST MAIN ST RM 100A	SHERIFF'S OFFICE
AMERICAN MODERN INSURANCE CO	UNION, MO 63084	
fature of Suit:	011101111111111111111111111111111111111	(Date File Stamp)
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1155110	MACOPEDN INSTRANCE CO	
The State of Missouri to: AMERICAN	MODERIA HABCIERA DE	MAV 4 - com
Alias:		MAY 1 5 2014
MISSOURI DEPARTMENT OF INSURAN 301 WEST HIGH STREET, ROOM 530		PILL D. MILLER
JEFFERSON CITY, MO 65101	re summoned to appear before this court and to file you	FRANKI IN COLLEGE CIRCUIT Clerk
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COURT SEAL OF You ar	re summoned to appear before this court and to file you tached, and to serve a copy of your pleading upon the s tached, within 30 days after receiving this summons, ex	ttorney for Plaintiff/Petitioner attue
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04-	10-2014 Bill D. Mille	Clerk
	Date	_
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FRANKLIN COUNTY Purther Infor	Sheriff's or Server's Return	
	Sheriff's or Server's Return	of issue.
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I certify that I have served the above summer	a seem of the petition to the Defendant/Respondent.	- a t
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leaving a copy of the summons and a c	copy of the Defendant's/Responde	nt's family over the age of 15 years.
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suits, see Supreme Court Rule 54.

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 17 of 31 PageID #: 20

IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

IN THE 201H 3	DICELE CLIC		RECEIVED
T. I. Divisions		Case Number: 14AB-CC00015	
Judge or Division:			APR 29 2014
GAEL D. WOOD Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address	
JACKIE NICHOLAS		BRADLEY S. DEDE	COLE COUNTY
JACKIE NICHOLAS		222 S MERAMEC SUITE 205	SHERIFF'S OFFICE
	1000	CLAYTON, MO 63105	
	vs.	Court Address:	FII FF
Defendant/Respondent:	ANCE CO	401 EAST MAIN ST, RM 100A	FILED
AMERICAN MODERN INSUF	(ANCE CO	UNION, MO 63084	
Nature of Suit:			(Date File Stamp) MAY 1 5 2014
CC Chpter 536 State Agey Rvw	ALIAS S	ummons in Civil Case	1913 11103-0000
<i></i>	ALTHO D	NI INSTIDANCE CO	BILL D. MILLER, Circuit Clerk FRANKLIN COUNTY MISSOURI By
The State of Missouri to:	AMERICAN MODER	IN INSURANCE CO	BY MISSOURI
MISSOURI DEPARTMENT OF IN	Allas:		D.Q.
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JEFFERSON CITY, MO 65101		500 1990	the netition a copy of
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9	above address all with	hin 30 days after receiving this summons, exclusive of the ignment by default may be taken against you for the relie	f demanded in the petition.
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	Date		
FRANKLIN COUNTY	Further Information:		
		Sheriff's or Server's Return	
Note to serving officer: Sun	mons should be returne	d to the court within thirty days after the date of issue.	
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delivering a copy of the s	ummons and a copy of t	lie petition to are 2	int/Respondent with
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Xfor service on a corpora	ion) delivering a copy of	f the summons and a copy of the petition to (name)	(title).
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Other			(address)
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11 6.WH	100		Sheriff or Server
Printed Name	of Sheriff or Server	e a notary public if not served by an authorized officer:	4.3
	Subscribed and sworn	to before me on	(date).
(Seal)			
(0621)	My commission expire	Date	Notary Public
			# E
Sheriff's Fees		9	ゆう
Summons	\$		Che -

10.00

Sheriff's Deputy Salary

Supplemental Surcharge

suits, see Supreme Court Rule 54.

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A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 18 of 31 PageID #: 21



Jeremiah W. (Jay) Nixon Governor State of Missouri Department of Insurance Financial Institutions and Professional Registration John M. Huff , Director

May 1, 2014

FILED

Bradley S. Dede 222 S Meramec Suite 205 Clayton, MO 63105 MAY - 5 2014

BILL D. MILLER, Circuit Cierk FRANKLIN COUNTY MISSOURI By _____ D C

NOTICE OF REJECTION OF SERVICE

Please find enclosed the summons petition and any accompanying documents or other pleadings, which were recently received by the Department of Insurance, Financial Institution and Professional Registration. These pleadings are being returned to you because:

Cegistian	1.00. 1.000 p
	Said material is not initial service of process and should be served directly upon the insurer. [20CSR 800-2.010 (7)].
	The Department of Insurance does not accept subpoenas.
XXX	Name of the insurance company defendant in such pleading or documents is either incomplete or inaccurate, making proper service questionable. Therefore, you must advise the Court of the name of the specific company on which you want service.
	Service papers must be delivered by the sheriff, the United States Marshal's Office, a person over the age 18 who is not a party of the action, or if mailed, it <u>MUST</u> have a completed Acknowledgment of Service by Mail and a postage page return envelope pursuant to Supreme Court Rule 54-16.
	Service is attempted upon a Missouri insurance company. The Director of Insurance is not authorized under Missouri statutes to accept service of process for Missouri insurance companies. Proper service may be obtained by personally serving the president of the company.
	a section when the above

The Department will endeavor to effect service of process pursuant to stature when the above defects are cured and the corrected documents are served on us.

Sincerely,

Kimberly Landers

Paralegal

Enclosure:

Jackie Nicholas v. American Modern Insurance Company

Circuit Court of Franklin County, Case #14AB-CC00015

Cc:

Circuit Court of Franklin County

301 West High Street, Room 530, P.O. Box 690 · Jefferson City, Missouri 65102-0690 · Telephone 573/751-2619 · TDD 1-573-526-4536 (Hearing Impaired) http://www.difp.mo.gov

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 19 of 31 PageID #: 22



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

OCCC			7
Judge or Division:		Case Number: 14AB-CC00015	
GAEL D. WOOD			1
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address	
JACKIE NICHOLAS		BRADLEY S. DEDE	
		222 S MERAMEC	1
		SUITE 205	
	vs.	CLAYTON, MO 63105	
Defendant/Respondent:		Court Address:	
AMERICAN MODERN INSURANCE CO		401 EAST MAIN ST, RM 100A	
Nature of Suit:		UNION, MO 63084	
CC Chpter 536 State Agey Rvw			(Date File Stamp)
	C-	in Civil Cogo	1
ALIAS	51	immons in Civil Case	

The State of Missouri to: AMERICAN MODERN INSURANCE CO Alias: MISSOURI DEPARTMENT OF INSURAN 301 WEST HIGH STREET, ROOM 530 **JEFFERSON CITY, MO 65101** You are summoned to appear before this court and to file your pleading to the petition, a copy of COURT SEAL OF which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. 04-10-2014 Bill & Miller Clerk Date Further Information: FRANKLIN COUNTY

	01141	iff's or Server's Return		
Note to serving officer: S	ummons should be returned to the	court within thirty days after	er the date of issue.	
I certify that I have served	the above summons by: (check on	e)		
delivering a copy of the	summons and a copy of the petiti	on to the Defendant/Respon	ndent.	
leaving a copy of the st	immons and a copy of the petition	at the dwelling place or usu	ial abode of the Defendant/Respondent v	vith
		a person of the Defendant's	Respondent's family over the age of 15	years.
(for service on a corpor	ration) delivering a copy of the sun	nmons and a copy of the pet	tition to	
		(пате)		(title).
A==				
				
in	(County/City of St. I	Louis), MO, on	(date) at	(time).
Printed Name	e of Sheriff or Server	-	Signature of Sheriff or Server	
	Must be sworn before a notary	public if not served by an	authorized officer:	
	Subscribed and sworn to before			
(Seal)				
	My commission expires:	Date	Notary Public	
Sheriff's Fees				
Summons	\$			
Non Est	\$			
Sheriff's Deputy Salary	·			
Supplemental Surcharge	\$			
Mileage	\$(_ miles @ \$ per mil	le)	
Total	\$			all alassas of
		served on each Defendant/	Respondent. For methods of service on	all classes of
suite see Supreme Court F	rule 54			

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 20 of 31 PageID #: 23

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Plaintiff,))	Case No.	14AB-CC00015
Vs.)		
)	Division No.	
AMERICAN MODERN INSURANCE CO	0)		
)		
Defendant.)		

REQUEST FOR PLURIES SUMMONS

Comes now Plaintiff, by and through her attorney, and requests that this Honorable Court issue an Order for the issuance of a Pluries Summons due to a defect in the Summons page.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

By:

Bradley S. Dede, #36103
Attorney for Plaintiff
222 S. Meramec, Suite 205
Clayton, MO 63105

314-725-9700 314-725-5967 (fax)

bsdede@att.net



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

Judge or Division:		Case Number: 14AB-CC00015		
GAEL D. WOOD				
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address		
JACKIE NICHOLAS		BRADLEY S. DEDE		
		222 S MERAMEC	1	
		SUITE 205		
	vs.	CLAYTON, MO 63105		
Defendant/Respondent:		Court Address:		
AMERICAN MODERN IN	SURANCE CO	401 EAST MAIN ST, RM 100A	-50	
Nature of Suit:		UNION, MO 63084	TED	
CC Chpter 536 State Agey R	vw		(Date File Stamp)	
	Su	mmons in Civil Case RY	APR 03 2014 APR COUNTY CE SHERIFF'S OFFICE leading to the petition, a copy of	
The State of Missouri to	: AMERICAN MODERN	N INSURANCE CO	3 13 5014	
The State of Missouri E	Alias:	· Institution of	APR	
MISSOURI DEPARTMENT OF			E COURFICE	
301 WEST HIGH STREET, ROC JEFFERSON CITY, MO 65101	OM 530		COLIEF'S	
JEFFERSON CITT, MO 03101		16	HERII ,	
COURT SEAL OF	You are summone	d to appear before this court and to file your pl	eading to the petition, a copy of	
OUR! OF		o serve a copy of your pleading upon the attor	ney for Plaintiff/Petitioner at the	
(See 19 - 4)		n 30 days after receiving this summons, exclusi		
(3// 3**********************************	file your pleading, judg	ment by default may be taken against you for t	he relief demanded in the petition.	.
and a	Date		Clerk	
FRANKLIN COUNTY	Further Information:		1	,
		Sheriff's or Server's Return		
Note to serving officer: Su	immons should be returned t	o the court within thirty days after the date of issu	e.	
_	he above summons by: (che			
		petition to the Defendant/Respondent.		- 4
		ition at the dwelling place or usual abode of the E	Defendant/Respondent with	
		a person of the Defendant's/Respondent's fa		
(for service on a corpora	ation) delivering a copy of th	e summons and a copy of the petition to		
· · · · · · · · · · · · · · · · · · ·		(name)	(title)).
				fii
in	(County/City of	St. Louis), MO, on	_(date) at(tin	ne).
				20
Printed Name	of Sheriff or Server	Signat	ure of Sheriff or Server	
	Must be sworn before a n	otary public if not served by an authorized offi	cer:	
40 - H	Subscribed and sworn to be	fore me on	(date).	
(Seal)	My commission expires:			
	wy commission expires:	Date	Notary Public	-
Sheriff's Fees				
Summons	S			
Non Est	s			
Sheriff's Deputy Salary Supplemental Surcharge	\$0.00			
Mileage	\$(_	miles @ \$ per mile)		
Total	¢	•		

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of

suits, see Supreme Court Rule 54.

GREG B WHITE
SHERIFF OF COLE COUNTY
P.O. BOX 426
JEFFERSON CITY, MISSOURI 65102
Phone: 573-634-9163
Fax: 573-635-0069



	To: Franklin Co accurt Court
	Case No: 14AB-CC 00015
	Your document was received at Cole County Sheriff's Department on 4/3/14 and is being returned NOT SERVED for the following reason(s):
	Document was received with insufficient time for service. Summons expires 30 days from date of issue and/or must be served 10 days prior to the court date. Also enclosed check #
	Document was received after the court date. Please remit with a new court date. Also enclosed check #
	Payment of service fees required prior to service. Please remit your papers with a check or money order made payable to Sheriff of Gole County in the amount of \$
-	Service address is NOT in Cole Co. Also enclosed check #
	Document must have signature and seal of the court. Also enclosed check# 1417
	1) and the second comment. The
×	Name of registered agent and service address must be on document. Also enclosed check #
77 27	A physical address must be on the document for proper service. Also enclosed check #
	& other: please vend everything back.
	Thank you,
	Greg B. White, Sheriff Cole County, Missouri
	Ву

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IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

Judge or Division:	Case Number: 14AB-CC00015	
GAEL D. WOOD		
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
JACKIE NICHOLAS	BRADLEY S. DEDE	
THE	222 S MERAMEC	
	SUITE 205	
	vs. CLAYTON, MO 63105	
Defendant/Respondent:	Court Address:	
AMERICAN MODERN INSURANCE CO	401 EAST MAIN ST, RM 100A	
	UNION, MO 63084	
Nature of Suit: CC Choter 536 State Agev Ryw		(Date File Stamp)

CC Chpter 536 State Agey R	vw		(Date File Stamp)
		in Civil Case	
The State of Missouri t MISSOURI DEPARTMENT OF 301 WEST HIGH STREET, RO JEFFERSON CITY, MO 65101		CE CO	
COURT SEAL OF	which is attached, and to serve a co	before this court and to file your pleading py of your pleading upon the attorney for ter receiving this summons, exclusive of the ault may be taken against you for the religible.	r Plaintiff/Petitioner at the he day of service. If you fail to ief demanded in the petition.
FRANKLIN COUNTY	Further Information:		
I certify that I have served delivering a copy of the leaving a copy of the st	a person ration) delivering a copy of the summons	ne Defendant/Respondent. Iwelling place or usual abode of the Defendant of the Defendant's/Respondent's family or	ver the age of 13 years.
		MO, on(date	
Printed Nam (Seal)	Subscribed and sworn to before me on	c if not served by an authorized officer:	Sheriff or Server(date).
	My commission expires:	Date	Notary Public
Sheriff's Fees Summons Non Est Sheriff's Deputy Salary Supplemental Surcharge	\$\$ \$\$	(a) the part mile)	

____ miles @ \$.____ per mile)

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of

Mileage

suits, see Supreme Court Rule 54.

Electronically Filed - Franklin County - Infalch 17, 2014 - 04.40 Five

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)		
Petitioner,)	o	
)	Case No.	14AB-CC00015
Vs.)	D: : :	
AMERICAN MODERN INSURANCE,)	Division No.	1
Respondent.)		

REQUEST FOR ALIAS SUMMONS

Comes now Petitioner and requests an alias summons be issued in that the original summons has expired.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.C.

bsdede@att.net

By:

Bradley S. Dede, #36103
Attorney for Petitioner
222 S. Meramec, Suite 205
Clayton, MO 63105
314-725-9700
314-725-5967 (fax)

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 25 of 31 PageID #: 28



IN THE 20TH JUDICIAL CIRCUIT COURT, FRANKLIN COUNTY, MISSOURI

Judge or Division:		Case Number: 14AB-CC00015
GAEL D. WOOD		
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address
JACKIE NICHOLAS		BRADLEY S. DEDE
		222 S MERAMEC SUITE 205
	VS.	CLAYTON, MO 63105
Defendant/Respondent:		Court Address:
AMERICAN MODERN INSURANCE CO		401 EAST MAIN ST, RM 100A
Nature of Suit:		UNION, MO 63084
CC Chpter 536 State Agey Ryw		

C Chpter 536 State Agey Rvv	,			(Date File Stamp)
		mons in Civil Cas	se	
The State of Missouri to:	AMERICAN MODERN I	NSURANCE CO		
MISSOURI DEPARTMENT OF IN 01 WEST HIGH STREET, ROOM EFFERSON CITY, MO 65101	Alias: SURAN			
COURT SEAL OF	which is attached, and to a	serve a copy of your pleadin 60 days after receiving this s ent by default may be taken	nd to file your pleading to the page upon the attorney for Plainti ummons, exclusive of the day of against you for the relief dema	ff/Petitioner at the f service. If you fail to
	Date		Clerk	
FRANKLIN COUNTY	Further Information:			
		neriff's or Server's Return		
Note to serving officer: Sum	mons should be returned to t	he court within thirty days aft	ter the date of issue.	
I certify that I have served the				
leaving a copy of the sum	mons and a copy of the petiti	tition to the Defendant/Respo on at the dwelling place or us a person of the Defendant's summons and a copy of the pe	ual abode of the Defendant/Resp s/Respondent's family over the a	ondent with ge of 15 years.
				(title).
other				
				(address)
			(date) at	
Printed Name of	Sheriff or Server		Signature of Sheriff or	Server
		ary public if not served by a		
(Seal)	Subscribed and sworn to befo	ore me on	(date) .
(Seul)				

My commission expires: Notary Public

Sheriff's Fees Summons

Non Est Sheriff's Deputy Salary Supplemental Surcharge

__ miles @ \$._____ per mile)

Mileage Total

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 26 of 31 PageID #: 29 14AB-CC00015 ______ CASE INFORMATION DATE: 1/23/14 COURT LOCATION: Franklin County - Circuit Court CASE TYPE: IA - Chapter 536 State Agency Review CASE STYLE: JACKIĖ NICHOLAS V. ĂMERICAN MODERN INSURANCE CO PARTY INFORMATION _______ PARTY TYPE: PLT - Plaintiff SSN: 630-33-4488 FIRST NAME: JACKIE MIDDLE NAME: LAST NAME: NICHOLAS SUFFIX: GENDER: FEMALE DOB: 10/4/1943 EMAIL: PHONE: ADDRESS: 150 ECHO VALLEY ROAD UNION, Missouri 63084 ATTORNEY: 36103 - BRADLEY S. DEDE PARTY TYPE: DFT - Defendant EIN: ORGANIZATION: AMERICAN MODERN INSURANCE CO EMAIL: PHONE: ADDRESS: MISSOURI DEPARTMENT OF INSURAN 301 WEST HIGH STREET, ROOM 530 JEFFERSON CITY, Missouri 65101 _______

SUBMITTER INFORMATION

SUBMITTED BY: 36103 - Bradley S. Dede

PHONE: (314) 725-9700 EMAIL: bsdede@att.net

ADDRESS:
Brad Dede
Suite 205
222 S. Meramec Ave
Saint Louis, Missouri 63105-3514
United States

Case: 4:14-cv-02011-RLW Doc. #: 1-1 Filed: 12/05/14 Page: 27 of 31 PageID #: 30 14AB-CC00015

IN THE CIRCUIT COURT OF THE COUNTY OF FRANKLIN STATE OF MISSOURI

JACKIE NICHOLAS,)	
Plaintiff,)	Case No.
vs.)	Division No.
AMERICAN MODERN INSURANCE CO)	Division No.
SERVE:)	
Director of Insurance)	
Missouri Department of Insurance)	
301 West High Street, Room 530)	
Jefferson City, MO 65101)	
••)	
Defendant.)	

PLAINTIFF'S PETITION FOR DAMAGES

Comes now Plaintiff, Jackie Nicholas, by and through her attorney of record and for her cause of action against Defendant, states and alleges and otherwise avers as follows:

- 1. Plaintiff is a resident of Franklin County, State of Missouri.
- 2. Defendant, Modern Standard Insurance Company, is an insurance company doing business and is good standing in the State of Missouri which can be served with process as referenced above with the Missouri Department of Insurance.
- 3. Jurisdiction and venue are proper in this court in that the facts claimed herein and are the subject of this litigation occurred in Franklin County, State of Missouri and the amount in controversy exceeds Twenty Five Thousand Dollars (\$25,000.00).

COUNT I - BREACH OF CONTRACT

Comes now Plaintiff by and through her attorney of record and for Count I on her claim for breach of contract states as follows:

- 4. Plaintiff hereby incorporates by reference each paragraph previously plead as if plead herein.
- 5. Plaintiff purchased a homeowner's insurance policy from Defendant insurance policy number 0047062965 for homeowner's coverage. That said policy was in effect from October 6, 2011 to October 6, 2012.
- 6. As such, the policy was in full force and effect on the date of the damages incurred by Plaintiff herein.
- 7. On Saturday, March 17, 2012, Plaintiff's property incurred severe hail storm damage to her vehicle and house.
- 8. That according to the terms of policy an adjuster would be dispatched by the insurance company to determine the nature and extent of the damages.
 - 9. That no adjuster was timely dispatched to Plaintiff's property.
 - 10. That several days lapsed until an adjuster and a roofer came to the property.
- 11. That the roofer as agent for the Defendant herein did not protect the roof and residence against further damage.
- 12. That weeks passed without proper attention by Defendant to the damages incurred by Plaintiff; the failure to fix the property damaged, resulting in further damage.
- 13. That during the time of the initial damage and the negligent and improper repair of the property, further storms occurred which was foreseeable and Plaintiff's property further sustained rain, wind, water, and storm damage which resulted in both damage to the interior and exterior including but not limited to floor, wall, ceiling, carpet, mold, odors, joists, studs, rafters, paint, sheet rock, items of furniture and other personal property.

- 14. That Plaintiff made numerous attempts to contact the insurance company and no response or repair was forthcoming.
- 15. All conditions precedent to the liability of Defendant under Plaintiff's policy had been met.
 - 16. Plaintiff is legally owed benefits under her policy for the damages.
- 17. Defendant insurance company has breached its contract with the Plaintiff and is legally liable for the damages in this lawsuit.
- 18. That Plaintiff has made numerous attempts to demand a settlement for her claim under the provisions of the policy and Defendant refuses to perform under the contract.
- 19. That as a direct and proximate result of that breach, Plaintiff has been damaged in excess of Two Hundred Thousand Dollars (\$200,000.00).

Wherefore, Plaintiff prays for judgment against the Defendant insurance company for all amounts owed to her under the contract for insurance between the parties, in an exact amount for all her damages from the failure and breach of the contract that remain uncompensated and for such other and further relief as the court deems just and proper under the circumstances.

COUNT II – VEXATIOUS REFUSAL TO PAY THE CLAIM

Comes now Plaintiff, by and through her attorney of record and for Count II of Plaintiff's Petition for Damages against Defendant insurance company hereby states, alleges and otherwise avers as follows:

- 20. Plaintiff incorporates by reference each and every previously plead paragraph as if plead herein.
- 21. That Plaintiff issued a formal demand under the policy for the damages herein previously referred.

- 22. That Defendant insurance company has failed to make payments under and in accordance with the terms of the contract by Plaintiff.
- 23. Defendant insurance company's refusal to pay the loss incurred is without reasonable cause or excuse.
- 24. That Defendant's refusal to adjust and restore the damages under the policy is without excuse.
- 25. That pursuant to RSMo. §357.420 Plaintiff is entitled to in addition to all damages associated with Count I, twenty percent (20%) of the first Fifteen Hundred Dollars (\$1,500.00) of loss and ten percent (10%) of all losses greater than Fifteen Hundred Dollars (\$1,500.00) as well as Plaintiff's attorney's fees.
- 26. As a direct and proximately result of Defendant insurance company's refusal, Plaintiff is entitled to the additional damages in the amount of One Hundred Thousand Dollars (\$100,000.00).

Wherefore, as a result of the above, Plaintiff prays for judgment against Defendant insurance company in the amount of One Hundred Thousand Dollars (\$100,000.00) pursuant to RSMo. §357.420 and for such other further relief that this Court deems just and proper in the premises.

DEMAND FOR JURY TRIAL

27. Plaintiff demands a jury trial on all Counts of her petition for damages.

Respectfully Submitted,

BRADLEY S. DEDE, L.L.

By:

Bradley S. Dede, #36103 Attorney for Petitioner 222 S. Meramec, Suite 205 Clayton, MO 63105 314-725-9700 314-725-5967 (fax) bsdede@att.net Electronically Filed - Franklin County - January 23, 2014 - 03.43 Five